

No Contractors on the Battlefield: The Dutch Military's Reluctance to Outsource

Dirk Gielink, Maarten Buitenhuis & René Moelker

1 Introduction

Generally speaking, the Dutch Armed Forces do not resort to the services of private military companies (PMCs). But one particular American private military company partially provides the training of Dutch Special Forces. Units of the Special Forces follow specific courses at the Blackwater USA's training center in North Carolina. This center is developed and run by ex-members of the Special Forces of the army, the navy, and the police force and offers a wide variety of shooting ranges and other specialist training facilities. (Korps Commando Troepen 2005). This example demonstrates that the use of private military companies is not only relevant to the major military powers. It is also important to smaller nations like the Netherlands. These nations may have to adapt their policies and maybe even the structure of their armed forces to adjust to the new trend. However, despite international developments, the Dutch government seems reluctant to subcontract military related tasks. The present reluctance is in marked contrast to Dutch history that is rich in privatized warfare. For example, during the war of independence against Spain, the 80 Years War, Dutch merchants were known to sell ammunition to their sworn enemies, the Spaniards.

In the following sections, the present reluctance towards outsourcing is the object of inquiry. The analyses and description are based on a perusal of literature and the analysis of policy documents. Five members of parliament and two high-ranking officers who are highly esteemed for their expert knowledge have been contacted.¹ In order to sketch the historical roots of the present situation the use of private military forces in Dutch history will be discussed. The event that befell military companies during the Dutch republic, when outsourcing was at its height, will deepen the understanding of the present reluctance. In the third section, the contemporary outsourcing policy in the Netherlands will be elucidated. Section four is about the principal criteria, which can help to predict future decisions on Dutch outsourcing. The present political willingness to outsource military tasks is discussed in section five and serves to illustrate the reluctance of politicians regarding private

1 The members of parliament that were contacted were Bakker, Kortenhorst, Koenen, Eijsink and van Baalen. These politicians represent the democrat party (D66), the confessionals (CDA), the socialists (PvdA) and the liberals (VVD). The military experts were Maj. Gen. (ret.) Homan MA and Lt-Col. Voetelink MA.

military companies. Subsequently the principal criteria to future decision-making will be used to predict the future employment of private military companies. In the final section a tentative explanation for the reluctance towards outsourcing will be given.

2 Private Military Forces in Dutch History

Throughout the history of the Netherlands, military entrepreneurs have been meddling with the business of war. Until the rise of the modern nation state, which in some parts of Europe came about as late as the nineteenth century, provinces, kingdoms, republics, and later on states maintained territorial armies that started as private armies or private enterprises. Therefore, the use of civilians, mercenaries and other privateers in the army or in support of the armed forces is a common feature underlying the history of states in general. In particular, this holds true for the history of the Netherlands. To illustrate the privatized warfare that has taken place on behalf of the Netherlands two examples from the 17th and 18th century will be dealt with. The first example is the use of the private sector for primary military tasks during the 16th and 17th century when the Netherlands was a republic. During this period, private military forces were tasked with fighting and the annexation of cities. Furthermore, the rise of the first private military company and the first multinational in the world, the Dutch East India Company, will be discussed.

2.1 Mercenaries in the Dutch Republic

The Dutch people throughout their history have been a community, which relied strongly on commerce. This is directly reflected in the culture of the Dutch Armed Forces, which is mainly characterized by the transformation of wealth into military power and vice versa. Until the 19th century, the army used the services of mercenaries for primary military tasks (Duindam 2003). The Dutch territory lies between the powers in the west, the east, and the south. Because of the geographical position in Europe, a robust defense has been a necessity throughout Dutch history. At the same time, the Netherlands were fortunate that the powers in the west, east, and south did not want to disrupt the power balance too much and were content with a buffer state.

Private warfare flourished in the period of the Union of Utrecht. Before the 16th century, the present Dutch territory was divided in several provinces, but with the signing of the Union of Utrecht in 1579 these provinces were unified into one nation. In the year 1579, this was the first attempt to unite the military power in the Lowlands to fight the Spanish occupiers. The participating provinces in the Union would act as if they were one state. Later on

the Union of Utrecht transformed into the Republic of the United Netherlands. With the establishment of this Republic, the first Dutch superintending government was formed. The political control was in the hands of the Estates-General, a political organ in which the provinces were represented and had been an eminent consultative body for years in the Lowlands. The provinces in the Republic retained their autonomy, but the Republic had an effective control over the seven provinces, because of their strong cohesive policy (Nimwegen 2002).

The new Republic had to deal with many external threats, above all from the Kingdom of Spain, but also from England, France and the German states. Besides the threat of other states, the Republic faced interior threats, such as religious insurgents and uprising peasants. To face the threats the Estates-General introduced a public defense force (Koenigsberger 2001). For the first time in the history of the Netherlands, one common army was raised and for the first time the Armed Forces were regulated centrally. To increase the output of the Army, the strategy was harmonized. The State Army provided the overall security in the Republic, but the cities also kept additional forces for their protection (Knevel 1994: 94). The establishment of the State Army enabled the cities to harbor companies of the State Army. The costs of the defense of the border cities were to be paid by all the provinces collectively.

The use of private forces was widespread in the State Army, in particular during the long lasting war against Spain. There are a number of reasons for the use of private forces in the State Army and in support of the army. Of course, the war of independence against Spain was nothing more than an insurgency of the nobles, who could not fully depend on indigenous forces, but had to bring in their own private armies. The Prince of Orange, William the Silent, who is acknowledged the founding father of the nation, paid for the revolt against Phillip the Second out of his own pocket. Sympathizing nobles contributed likewise by hiring foreign troops. Indigenous help came from revolting seamen, the 'Geuzen', who nowadays would be characterized as irregular forces, terrorists, or freedom fighters.

The most important reason why private warfare kept playing a large role during the days of the Republic was the relative small size of the standing army. The small nucleus of the standing army was to be replenished by mercenaries that were called upon in times of need. Another reason is found in the economic situation in the Netherlands. In the 17th century, labor was scarce and expensive, so inexpensive native soldiers were more difficult to acquire. As a result, these mercenaries were not inhabitants of the provinces, but persons and complete units, which came from foreign countries. For example in the period from 1590–1795 many Swiss and Scottish regiments with their own commanders were hired (Ferguson 1899–1901). The other

regiments mostly came from German states (Wagner 1901). An advantage of the use of foreign forces was that these foreign mercenaries were able to pacify the local insurgents without difficulties, because these men had no relationship with the Dutch people at all. Therefore, mercenaries were frequently used to end civil unrest.

The Estates-General, supported by the Dutch military leaders, believed that mercenaries fought better than natives did, because of better training and equipment. Mercenaries were also used because of the methods of warfare. In the 17th century siege warfare was the common method of warfare (Duffy 1979). Exposed battle, at a battlefield, was too expensive and therefore exceptional in this century. The conflicts in the 17th century concentrated around the reinforced cities along the Republic's border. Who could control these cities would be able to control the Republic. Mercenaries were the perfect instrument in this kind of war, and there would be no risk of mercenaries fleeing in a direct battle. Furthermore, the State Army could contract mercenaries directly when a siege occurred. Next to direct use of mercenaries, civilians were contracted to deal with the specific demands of siege warfare. A siege was an enduring process of surrounding, entrenching, and systematic bombardments of a city to force that city to capitulate. To win these battles, knowledge of the process of fortifying cities, earth mechanics, and other specialist information was needed. This conduct of warfare required engineering qualities besides the strategic and tactical military characteristics. These engineers and other specialists were found in the civilian world. From the larger society, civil engineering teams were contracted. As a result, warfare was civilianized (Duffy 1979).

Until the end of the Republic in the year 1795, the State Army mainly used mercenaries. In that year, the French occupied the Republic and ended the regime of the Estates-General. With the end of the Republic, the mercenary component in the State Army was disbanded. After 1812, a conscript army was instituted. Following the French example, a national army of volunteers was introduced (Derix/Verlinden 1983). However, as soon as the French left the Netherlands, the mercenaries were again hired by the Dutch Republic to perform military tasks. After the introduction of the constitution in 1848, the use of mercenaries and other private military parties ended (Ringoir 1976). According to the constitution, foreigners were not allowed to serve in the Netherlands Armed Forces. With the introduction of the constitution, the state legitimately and effectively claimed the monopoly on the use of violence (Haan 2003).

2.2 *The First Private Military Company: The Dutch East India Company*

The Dutch East India Company, established in 1602, was the first substantial multinational corporation, not only because of the enormous size of the company, but also because the Company was a modern organization with shareholders and investors and an executive committee (Beutinck et al. 2002). Furthermore, the company generated a great deal of merchandise, it had many establishments in different countries, and it was a large bureaucratic organization. At its peak, this corporation had a working force of more than 50,000 employees and more than 200 ships (Gaastra 1982). Nevertheless, the Dutch East India Company was more than simply a multinational. It was, in fact, the first private military company. The Estates-General assigned the Company a monopoly to carry out colonial activities in the East, because the Netherlands at that time did not have military capability of any kind to carry out operations in the East. The Company was in charge of several combat operations. On behalf of the Estates-General, the Company was licensed to build fortresses, wage wars and sign treaties in the name of the Republic (Koenigsberger 2001). The Company conquered new territories and had to maintain them, mostly by use of military force. Furthermore, the company had to compete with other trading companies. The Company was to damage the Portuguese and Spanish interests in Asia as much as possible, because the war against the Republic was financed with the profits of the Portuguese-Asian trade. Because the Company was a private corporation with important tasks, the Republic kept a close eye on the company. The governors and the military and judicial employees were appointed, paid, and fired by the Company. However, the employees had to swear the oath to the Estates-General. This way the state deceptively kept the primacy whilst the shareholders made their fortunes.

3 **Present Day Outsourcing Policy in the Netherlands**

In former days cooperation between the Dutch military and the civil commercial sector went hand in hand, the merchant made war, and war made the merchant.² In the present-day situation, the cooperation is almost non-existing. The Dutch military in the 20th century strives after an autarkic position, meaning that military personnel also take care of logistics, medical

2 Charles Tilly (1975: 42) once remarked “the state made war and war made the state”. In the Netherlands nation-building took a capital-intensive course where indeed the merchants made war whenever it would lead to profit. After the 17th century, however, when the Dutch could not any more hold on to maritime supremacy, doing business required peaceful conditions, and the Dutch would rather earn money than make war.

care, and maintenance besides the primary military tasks, the fighting tasks. Nonetheless, the connection between the civil sector and the military is not completely gone, the civil sector still produces systems, machines, and articles that are crucial for the armed forces. The Dutch government realizes, like other NATO-partners, that outsourcing specific projects or tasks, carried out by private companies can be advantageous (Bult-Spiering 2005).

This section will not only focus on the question how cooperation between the public sector and the private sector is regulated, but also on the legal aspects. First, the legal guidelines will be illustrated. Subsequently, the policy of the Dutch government concerning public private partnership will be described. This policy gives the conditions under which the government can decide whether to outsource tasks or services. The public private partnership policy is fundamental for constructing a policy concerning the contracting out of military tasks to private military companies. Finally, the current Dutch situation of subcontracting military related tasks will be discussed.

3.1 Legal Aspects

There is no direct legislation in the Netherlands regulating the use of private military companies (Skwortsow 2004). The absence of legislation and regulation is explained by the Dutch preference to employ exclusively military personnel in operation areas (Voetelink 2004). However, Dutch regulation can be deduced from certain judicial documents. The first rule can be distinguished from the competitive service manual. This manual claims that services carried out in a situation where the nature of the potential threat obliges to actions of military personnel do not qualify for subcontracting. This way, potential economic advantages cannot be obtained by subcontracting to the private sector, nevertheless the Dutch government desires to acquire these advantages by cooperating with coalition partners (Voetelink 2004).

Subsequently, in accordance with Dutch legislation it is possible to temporarily militarize the civilian personnel of private military companies. Article 5 and 11 of the AMAR (Algemeen Militaire Ambtenaren Reglement [General Military Civil Servant Regulation]) state that under certain conditions civilian personnel, even foreign personnel, can be temporarily appointed as military personnel. However, this legal construction has never been used to militarize the personnel of private military companies (Voetelink 2004).

The last legal aspect to discuss is the regulation concerning Dutch citizens actively participating in an armed conflict. The Dutch citizen will be regarded as a combatant if the criteria mentioned in Geneva Convention III are fulfilled. The citizen has to be part of a command structure, must be rec-

ognizable as a combatant by distinctive signs and has to openly carry his arms (Geneva Conventions 1949). Therefore, a lawful combatant will not be prosecuted in the Netherlands. However, if war crimes are committed, this citizen will stand trial before the military court in Arnhem. Furthermore, a Dutch citizen in service of a hostile party can also be prosecuted (Skwortsow 2004). This provision not only applies to actual war, but also to Dutch peace-keeping or humanitarian operations (Skwortsow 2004). It is clear that there is a gap between the possible use of private military companies and legislation in the Netherlands. Nevertheless, it is also clear that there are legal regulations that can possibly enable contracting private military companies.

3.2 *Public Private Partnership*

Private companies are used more frequently over the last decade, because it is either advantageous for all parties or because it takes away disadvantages connected to the use of regular military forces (Dekker/Berkum 2002). The result of public-private partnerships has to be more than the sum of its parts. Therefore, the Finance Department of the Dutch government has formulated a policy to regulate public private partnership. The main objective of the public-private partnership is to acquire added value and efficiency gains. This objective can be accomplished by means of a better product for the same money, a product with the same quality for less money or a better product for less money (Ministry of Finance PPP Knowledge Center 2005).

The initiative to establish a public-private partnership lies with the government. The procedure is started by the government, which decides what kind of service or product is offered. The public sector then has to look at the constraints that could hamper the initiative and evaluate the conditions that need to be fulfilled to enable the cooperation. When the government decides that the product or service has added value and it can be supplied in cooperation with a private partner, then a public-private partnership is born. How the products and services are to be provided is assessed by the private sector. The result is that these private partners are free to come with their own more ingenious and efficient solutions to deliver at lower cost and/or higher quality (Ministry of Finance PPP Knowledge Center 2005).

The government will only subcontract a project when the conditions set by the Netherlands government are met. There are two kinds of conditions specified in the public-private partnership policy (Ministry of Finance PPP Knowledge Center 2005): The first kind of conditions relate to the circumstances under which the government is willing to outsource a project or task. Five conditions can be specified. First, in a public private partnership project government, agencies, and the private sector work together based on clear

contractual agreements. Secondly, the division of responsibilities, costs, and risks is agreed upon by contract. Thirdly, in a public-private partnership project public interest and commercial goals are served. Fourthly, in a public-private partnership project both sides expect, through collaboration and the input of each side's specific expertise, to achieve a better result for the same cost or the same result for less cost. The last condition is that each side retains its own identity and responsibility (Ministry of Finance PPP Knowledge Center 2005). The second type of conditions is related to the issue of controlling the private companies. First, the financial compensation of private companies must be based on their achievements. Therefore, the payment of private companies must be coupled to the performances of the contracted companies. This way, private partners are encouraged to maximize their efforts. Furthermore, the public-private partnership policy will only function properly in an open competitive environment. The contracted company cannot be a monopolist, because monopolists can manipulate the contract.

3.3 The Current Use of Private (Military) Companies

Former military tasks like building and maintaining barracks, catering, supplying, transport, constructing, and sustaining the IT infrastructure are increasingly carried out by civil companies (Beelen 2002). An example of a task outsourced inside the Dutch borders is the surveillance and protection of military bases (Algemene Rekenkamer 2004). An additional feature that is subcontracted is the construction and maintenance of military bases. Corresponding with the public private partnership policy, a company, or consortium devises, builds, finances, maintains and develops the infrastructure and provides a number of services as agreed in a contract (State Secretary of Defense 2005a). Finally, as can be seen in the introduction specific parts of military advisory and training are outsourced.

3.4 Dutch Private Military Companies

Although the Netherlands did not become party to the 1989 UN International Convention against the Recruitment, Use, Financing, and Training of Mercenaries, it is illegal for individuals and companies to carry out tasks in a war or an armed conflict other than a war in which the Netherlands is involved (UK Foreign and Commonwealth Office 2002). However, private military companies are not the same as mercenaries. Private military companies have a corporate structure; strive for business profits, not individual profits; are legal public entities; offer a wide range of services; recruit publicly and have ties to financial markets (Singer 2003a: 47). However, the Netherlands do not

contract 'in theater' private military companies as defined by Singer (2003a: 93), neither for offensive nor defensive purposes. It does not acquire services from military providers, consultative companies, nor from support organizations. At this time, the Dutch army is unwilling to use private military companies for primary tasks, but as Beernink (2005: 45) remarks this could easily change, because "the trend towards outsourcing is irreversible". The Netherlands are lagging behind; but for how long?

Although there are no private military companies with war fighting capabilities, there are many defense contractors. An example of a Dutch defense contractor is TNO Defense, which is specialized in security and safety. The company supplies products and services such as technological know-how and social psychological research. TNO tests designs and researches operational concepts.

Much closer to Singer's concept of private military companies is de Boer Tenten who built accommodations for governmental and aid organizations. They have rendered services to the Netherlands Armed Forces in Iraq, Eritrea, Pristina and Ammendola and Villa Franca (de Boer 2005).

In the last decade, there was one Netherlands initiative to start a real private military company. That was the company Satellite Protection Services (SPS). SPS was established in 1997 and consisted of four operating divisions that presented a range of private military and security services. One of the divisions, Satellites Maritime Services (SMS) offered services to shipowners around the world that included specially trained Maritime Security Teams. In 1999, Netherlands officials disowned it (Bruyneel 1999). In the near future, no new Dutch private military companies are expected to be established.

4 Criteria to Employ Private Military Companies

As discussed in the section on the public private partnership policy, the Dutch government has specified a number of criteria to regulate subcontracting of public tasks. However, for the subcontracting of military related tasks an additional set of criteria has to be formulated (Homan/Geschiere 2004). These additional criteria combined with the criteria mentioned in the public private partnership policy can help facilitate future decisions in the area of outsourcing outside the Dutch borders. The decision to outsource a product or service has to be made by the government and parliament, advised by the Commander of the Armed Forces. According to the politicians, a military-related task has to comply with three criteria to qualify for outsourcing. In addition, the private military company must satisfy a number of requirements before it is trusted with such a task.

4.1 Task Related Criteria

The primary criterion that has been introduced in the previous section, is economic advantage. Looking at the public private partnership policy for subcontracting, cooperation with a private military company will only occur if an economic advantage is expected or achieved. A product or service is subcontracted if it can be carried out better or less costly than by the defense organization itself (Ministry of Finance PPP Knowledge Center 2005).

The second criterion is responsibility. In general, the Dutch government is not willing to bear responsibility for actions of a private military company. The Dutch government is only willing to take responsibility for outsourced tasks when employees from private companies do not run any military risks and when they cannot cause significant collateral damage among the population in a conflict area. The government is not willing to arm employees, of a private military company unless the commanding officer finds it necessary for the security of the Dutch military (Baalen 2005).

The final criterion is the independence of the Dutch Armed Forces. There are two main issues to assure independence. Firstly, the Dutch government will only subcontract if the forces in an operation area will not become dependent of a private company. Therefore, tasks that directly influence the sustainability of an operation and the security of the forces will not be contracted out. Secondly, it is important for the government to have command and control over the private military company to guarantee an acceptable level of independency. This can be regulated in a sustainability agreement in which case the Minister of Defense and its commanding officer in the operation area maintain supervision over the contracted private military companies. The company has to be willing to place itself during an agreed period of time under the Dutch command structure (Sandline International 1998a).

4.2 Requirements for Private Military Companies

First of all, a contracted private company has to be transparent. It has to be possible to verify and approve the quality and the specific military demands of products and services before the start of an actual operation. This means that private military companies must open up for a far-reaching look into the internal affairs of the company (UK Foreign and Commonwealth Office 2002). This way the government obtains extra guarantees concerning the reliability of the private military company (Sandline International 1998b). Furthermore, it is preferred that a private military company is contracted from a NATO-country.

Firstly, companies from NATO-countries are preferred because of better interoperability. These companies are likely to follow standard NATO operational procedures, which are also in use in the Dutch armed forces. In this way, the Dutch armed forces can rely on the private military company to effectively cooperate and reach efficiency with minimum risks caused by misunderstandings.

Moreover, the Dutch government chooses to contract private military companies from NATO-countries to prevent information leaks to non-friendly governments. To regulate the possible subcontracting of defense tasks that are sensitive or imply the use of classified information, there are specific clauses in the standard contract (Ministerie van Defensie 2005).

Finally, as already discussed in the section on public private partnership policy, the contracted company cannot be a monopolist. First, a monopolist can manipulate the conditions of a contract. For example, monopolists do not have to compete and can therefore ask whatever price they want. Moreover, there is no alternative when a monopolist pulls out of the operation. Consequently, it is possible that Dutch forces will face unnecessary risks. In conclusion, the Dutch government will not resort to outsourcing without thorough consideration. Firstly, the government examines if the tasks are suitable for outsourcing. Secondly, private military companies have to live up to certain conditions. Nevertheless, when conditions are met, the government is prepared to outsource some of the tasks.

5 The Present Political Willingness to Outsource

The politicians will have to determine whether specific tasks of the armed forces can be outsourced. Clearly, the outsourcing of non-military tasks, like catering and the procurement of the IT infrastructure, are acceptable within the Netherlands (Beulen 2002). The important subject is which tasks the Dutch politicians are willing to outsource outside the homeland, in the theater of operations. To give an idea of the political opinion on outsourcing, three issues will be illustrated that have been presented to five members of the House of Representatives of the States-General.

Surveillance and protection: An example of a task outsourced inside the Dutch borders is the surveillance and protection of military bases. These tasks could be outsourced in the mission area as well. However, there are some evident reasons for the politicians to hold onto force protection, surveillance, and guarding tasks outside the Netherlands. Firstly, when the safety of military personnel is at stake, the politicians are reluctant to hand over tasks to private firms, because these firms cannot be controlled in the same manner

as the military. The second reason lies in the area of the rules of engagement. Every mission has specific rules of engagement, which contains detailed guidelines from the Dutch government about the application and use of force. The interviewed politicians are confident that the armed forces will interpret the rules in the approved manner. This confidence is based on familiarity with the expertise and culture of the military. In case of private personnel, the Dutch government is uncertain about the way the personnel will handle the rules of engagement.

Maintenance: An additional feature that is subcontracted at home and can be subcontracted abroad is the construction and maintenance of military bases. Contrary to the previous case, the interviewed politicians are willing to contract out this task. The preferred outcome of the public private partnership policy, more quality for less, can be obtained in this situation under certain circumstances. The safety of the private personnel is the most important issue. If the safety cannot be guaranteed during the construction and maintenance of compounds in the operation area, civilian personnel cannot fulfill this job.

Advisory and training: The last issue to discuss is the outsourcing of military advisory and training. Although outsourcing these tasks is an option, in case of too small numbers of military advisors or instructors it can be an alternative. For example, private companies can carry out the training of the police force in Bosnia. However, in a politically sensitive and militarily hazardous situation, as in Iraq and Afghanistan, training should be entrusted to the military only.

In sum, the issues above demonstrate the general idea. There are various reasons to subcontract, but the consideration whether or not to outsource cannot be generalized. Every opportunity to outsource has to be considered a particular case and needs a specific approach. Yet, it is clear that the Dutch politicians are generally reluctant to outsource military related tasks at this moment.

6 Possible Employments of Private Military Companies

The possible future use of private military companies can be inferred from the present political willingness to outsource and the discussed criteria. To describe the possible future use of private military companies clearly, the following classification of the functions of military operations will be used. In this classification, six functions are distinguished: maneuver, fire support, command and control, intelligence, force protection and logistics. The criteria

for outsourcing will be applied to the six functions. (Doctrinecommissie van de Koninklijke Landmacht 1996).

Maneuver: The actual employment of weapon systems, maneuver, is a military function that is not likely to be outsourced by the Dutch government now and in the forthcoming years. Although Singer states that the use of a private military company for combat operations in some cases can be economic, maneuver is too intimately connected to the legitimacy of the army (Singer 2003a). Secondly, the reliability of private military companies is not adequate to subcontract actual fighting capabilities of the armed forces. Besides, this task inflicts too much risk onto civilians companies for which the government cannot take responsibility. Above all, the Netherlands will lose their independence, because it will depend too much on a private company. Outsourcing this task will directly threaten the monopoly of violence of the Dutch state.

Fire support: The second military function that is not probable to be subcontracted in the near future is fire support. Above all, the function of fire support is directly linked to the safety of the troops. Artillery and close air support are used primarily to suppress enemy elements that pose a threat to maneuver units. As stated before the government values the safety of the troops so highly that they will not consider outsourcing this task, even if a private military company can provide these tasks for half the normal budget. The government will not be held accountable for private military companies providing fire support. Another reason for reluctance to outsource fire support lies in a completely different area. Fire support can cause a great amount of (collateral) damage. Similar to the issue of maneuver, fire support will create an unwelcome dependence on a private military company.

Command and control: At first sight command and control seems a military function that should never be outsourced, because of the fundamental importance to the organization. However, the rise of Network Centric Warfare increases the relevance of IT-systems. This change causes for its part the necessity of specialized personnel to construct and maintain these systems. It is nearly impossible for the Dutch military to employ all these specialists because it is far too expensive. As a result, the use of specialized private personnel in the nearby future, not only at home, but also abroad, is unavoidable. Private companies providing the support of command and control have proven to be reliable, in the Netherlands as well as in operation areas (Beulen 2002). Therefore, to some extent, the Netherlands are willing to use private companies for command and control purposes. The Dutch government will try to minimize private IT-personnel in the operation area because the gov-

ernment is not eager to account for the potential risks that these personnel can experience.

Intelligence: At this moment the military function of intelligence is completely in the hands of the defense organization. Nevertheless, in the near future, it is expected that this function will be partially provided by private military companies. To subcontract parts of this function will be relatively simple, since the most information these days is originated from private sources like the internet and newspapers (Creveld 1991). The military operational planning process is mainly based on this information. So, this information can be provided by private military companies at lesser cost, without impairing independence. Thus, tasks like the monitoring of the airspace above the Netherlands Antilles and the supplying of satellite pictures of the operation area can be subcontracted in the future without problems. However, active intelligence gathering in the operation area, like battle damage assessment, must be carried out by the military, because the government is not willing to take responsibility for private companies obtaining information under unsafe conditions. In addition, since this specific part of the intelligence function is vital to the whole process, the military operational planning process must remain in military hands.

Force protection: The fifth military function to discuss is force protection. This term is subdivided in two parts, active force protection, and passive force protection. Active force protection, the guards at the gates and the perception of possible threats, will not be contracted out in the operation area. Although economic advantages can be obtained, the other three criteria are not fulfilled. Primarily, this task is directly attached to the security of the own troops and this compromises independence. On the contrary, private military companies can carry out passive force protection, the shelters and alarm systems at a base, under certain conditions. First, constructing bases in an operation area by contractors will only happen if the military operational risks are acceptable for civilians. The Dutch government will assess the possibilities for each mission. Thus, the actual construction of Dutch bases in the operational area will happen very often in the near future, because increasing dangers of present day deployments (Creveld 1991). The construction of modular parts for bases outside the Netherlands by private companies will occur more often. This way a private company that carries out a non-dangerous task will relieve the military engineering, without creating an unacceptable form of dependence of a private military company.

Logistics: The final military function to refer to is logistics. This term includes several types of tasks as distribution and transport, medical care and maintenance. The distribution and transport of personnel and material outside

the operation area will be outsourced in the coming years, since all criteria, economic advantage, responsibility, and independence, are fulfilled. Therefore, the armed forces will merely provide the distribution and transport in the operation area, because the possible risks of outsourcing in the operation area will pose a threat to the criteria of independence and the responsibility. Distribution and transport can be outsourced in the future. The same arguments apply to the maintenance of the command and control systems in general. The more complex these systems become, the larger the chance that they will be outsourced (State Secretary of Defense 2005b).

In conclusion, the Dutch government is reluctant to outsource military tasks. Primary tasks of the armed forces like maneuver and fire support will not be outsourced, because these functions are the primary tasks of armed forces. However, the subcontracting of parts of the command and control systems, intelligence, force protection, and logistics seems possible.

7 Conclusion: Reluctance to Outsource

Despite the fact that the first private military company was Dutch and the fact that the 17th century Republic made much use of mercenaries, the present day government is very reluctant to outsource military tasks to the private sector. The kind of tasks the Dutch politicians are willing to outsource in the theater of operations, the careful criteria to outsource military related tasks and the military functions that are possibly outsourced in the near future, and so on, are illustrative of the Dutch reluctance. Therefore, the key question is what this unwillingness is caused by. This section will offer a closer look at the issues that contribute to the reluctance.

The foremost reason why private military companies are not commonly contracted by the Dutch government is that the government is not willing to renounce monopoly on the use of violence. The government intends to keep military tasks as much as possible in state hands. As a result, the government prefers increasing the budget of the armed forces if specific tasks cannot be carried out, instead of employing civil companies. An additional reason why the Dutch government is not willing to outsource military tasks is that the Netherlands are considered neither a strong state nor a weak or failed state. These two types of states are the most frequent principals of private military companies (Singer 2003a). Strong states, like the US and the UK, contract private military companies, because they want to focus on their fighting capabilities. Weak or failed states are likely to use private military companies because these states do not have their own fighting capabilities. The Netherlands, on the other hand, use their armed forces as a diplomatic instrument to

support the international legal order and to preserve the respect for human rights. In addition, the Dutch armed forces are designed to prevent escalation of conflicts and rebuild the social, legal and physical infrastructure in a country or region. Therefore, the Netherlands will not easily contract private military companies to carry out the supporting tasks. Furthermore, the Dutch government is not currently working with private military companies. Therefore, the private military sector is relatively unfamiliar to the Dutch government. At this moment, there is no clear specific regulation, there are no significant cases of cooperation with private military companies in the Netherlands, and there are no private military companies as defined by Singer, consequently the Dutch politicians are not aware of the possibilities of outsourcing and therefore not willing.

The rise of privatized warfare has laid bare the need to reconsider the possible advantages of the use of private military companies. The government has to realize that the use of private military companies to subcontract military tasks is not about outsourcing the armed forces. Rather, it is about optimizing the division of tasks. If the Netherlands ultimately agree to use private military companies, the armed forces will have the opportunity to focus on their main tasks, while the subtasks like maintenance and support can be left to private professionals.